

REMARKS

In response to the first Office Action mailed October 27, 2003 (Paper No. 8), the Assignee submits the following amendments and remarks. The Office Action rejected Claims 1-34 as obvious in view of various combinations of the following cited art: U.S. Patent Application Publication No. US 2001/0011245 A1 to *Duhon* (hereinafter “Duhon”); “New Privista Product Provides Early Warning System to Combat Identity Theft ID Guard to Build Consumer Confidence, Save Companies Lost Revenue,” October 23, 2000 (hereinafter “Privista’s Warning System”); U.S. Patent Application Publication No. US 2002/0133462 A1 to *Shetyn* (hereinafter “Shetyn”); “About ID Guard,” January 24, 2001 (hereinafter “Privista’s ID Guard”); “PrivacyGuard.com,” December 11, 2000 (hereinafter “Privista’s Privacy Guard”); and “Soups Up ID Theft Monitoring Service,” January 26, 2001 (hereinafter “Privista’s ID Theft Monitoring Service”).

By the present amendment, independent claims 1, 5, 12, 19, 22, and 26 are amended, and new claims 35-40 have been added. The amended and new claims include elements that are neither taught or suggested by the cited art. The cited art is distinguished for at least the following reasons:

- The claimed invention sends a notification to the user substantially contemporaneously with when a modification occurs;
- The claimed invention notifies a customer substantially contemporaneously with when a change occurs to data in a credit reporting database;
- The claimed invention provides a credit modification monitoring service that permits selecting a method of notification comprising communication substantially contemporaneous with when a modification occurs;

- The claimed invention permits a user to provide a warning about an element in the credit reporting database; and
- The claimed invention provides a credit modification monitoring service wherein a subscription price depends on a frequency of a selected notification.

These and other arguments are presented in the amendments and remarks below.

I. THE REJECTION OF CLAIMS 1, 3-6, 10-12, 14, AND 18 (OFFICE ACTION, ¶ 5)

The Office Action rejected Claims 1, 3-6, 10-12, 14, and 18 under 35 U.S.C. § 103(a) as unpatentable over Duhon in view of Privista's Warning System. Office Action, pp. 2-6, ¶ 5. Independent claims 1, 5, and 12 have been amended. Amended claim 1 includes the element, "wherein the system is capable of generating a credit report for the user and when at least one of said modifications occurs, sending a notification to the user substantially contemporaneously with when said at least one modification occurs to the user that at least one modification has occurred." (Underlining supplied). Amended claim 5 includes the element, "if there is a change to the at least one credit related data element, notifying the user substantially contemporaneously with when the change occurs about the change to the at least one credit related data element." (Underlining supplied). Amended claim 12 includes the element, "if the selection has a credit related data element that is in the credit file, notifying the user substantially contemporaneously with when the credit related data element is detected in the credit file." (Underlining supplied). Each of these amendments is supported by the Applicants' Specification. For example, a "user may also select frequency of communication. He can choose to be notified as soon as a change occurs in his credit file or be notified periodically. He may choose even to be notified when he is ready to receive any communication, i.e., the service provider will notify him

when he makes an inquiry.” See ¶ 165, lines 7-12 (underlining supplied). Notification of a user substantially contemporaneously with when a change occurs in the user’s credit file permits the user to take early action for a variety of reasons such as correcting a credit report, or preventing identity theft. See ¶¶ 15-16.

The Office Action admits that Duhon does not explicitly teach “wherein the monitoring module monitors the modifications to at least one element selected by the user and sending a notification to the user,” “if there is a change to the at least one credit related element, notifying the user about the change to the at least one credit related data element,” and “if the selection has a credit related data element that is in the credit file, notifying the user.” The Office Action relies upon Privista’s Warning System to teach these elements. However, Privista’s Warning System relates to a “weekly early alert and monitoring service” for changes to a credit file. Monitoring and alerting a user on a weekly basis to changes in his/her credit file, rather than substantially contemporaneously with when a change to the credit file occurs, does not permit the user to take early action for a variety of reasons such as correcting a credit report, or preventing identity theft.

Since none of these elements are disclosed or suggested by the cited art, the Assignee submits that the cited art does not describe, teach or suggest the invention of independent Claims 1, 5, and 12.

Moreover, dependent Claims 3, 4, 6, 10, 11, 14, and 18 are ultimately dependent from at least one of the amended independent Claims 1, 5, or 12, for which arguments of patentability have already been advanced above. Therefore, if the underlying independent claim is determined to be patentable, then the corresponding dependent claims should also be patentable over the cited art.

II. THE REJECTION OF CLAIMS 19 AND 20 (OFFICE ACTION, ¶ 7)

The Office Action rejected Claims 19 and 20 under 35 U.S.C. § 103(a) as unpatentable Privista's Warning System in view of Duhon. Office Action, pp. 8-9, ¶ 7. Independent claim 19 has been amended. Amended claim 19 includes the element, "generating a notification substantially contemporaneously with when a change is detected." (Underlining and strikeout supplied). The amendment is supported by the Applicants' Specification. For example, a "user may also select frequency of communication. He can choose to be notified as soon as a change occurs in his credit file or be notified periodically. He may choose even to be notified when he is ready to receive any communication, i.e., the service provider will notify him when he makes an inquiry." See ¶ 165, lines 7-12 (underlining supplied). Notification of a user substantially contemporaneously with when a change occurs in the user's credit file permits the user to take early action for a variety of reasons such as correcting a credit report, or preventing identity theft. See ¶¶ 15-16.

Neither Privista's Warning System or Duhon explicitly disclose or suggest the element "generating a notification substantially contemporaneously with when a change is detected." Duhon does not relate to generating a notification to a user. Further, Privista's Warning System relates to a "weekly early alert and monitoring service" for changes to a credit file. Monitoring and alerting a user on a weekly basis to changes in his/her credit file, rather than substantially contemporaneously with when a change to the credit file occurs, does not permit the user to take early action for a variety of reasons such as correcting a credit report, or preventing identity theft.

Since the amended element is neither disclosed or suggested by the cited art, the Assignee submits that the cited art does not describe, teach or suggest the invention of independent Claim 19.

Moreover, dependent Claim 20 is ultimately dependent from amended independent Claim 19, for which arguments of patentability have already been advanced above. Therefore, if the underlying independent claim is determined to be patentable, then the corresponding dependent claim should also be patentable over the cited art.

III. THE REJECTION OF CLAIMS 22-24 (OFFICE ACTION, ¶ 13)

The Office Action rejected Claims 22-24 under 35 U.S.C. § 103(a) as unpatentable over Privista's Warning System in view of Duhon. Office Action, pp. 13-14, ¶ 13. Independent claim 22 has been amended. Amended claim 22 includes the element, “notifying the customer substantially contemporaneously with when the changes are detected about the changed data.” (Underlining supplied). This amendment is supported by the Applicants' Specification. For example, a “user may also select frequency of communication. He can choose to be notified as soon as a change occurs in his credit file or be notified periodically. He may choose even to be notified when he is ready to receive any communication, i.e., the service provider will notify him when he makes an inquiry.” See ¶ 165, lines 7-12 (underlining supplied). Notification of a user substantially contemporaneously with when a change occurs in the user's credit file permits the user to take early action for a variety of reasons such as correcting a credit report, or preventing identity theft. See ¶¶ 15-16.

Neither Privista's Warning System or Duhon explicitly disclose or suggest the element “notifying the customer substantially contemporaneously with when the changes

are detected about the changed data.” Duhon does not relate to notifying a customer. Further, Privista’s Warning System relates to a “weekly early alert and monitoring service” for changes to a credit file. Monitoring and alerting a user on a weekly basis to changes in his/her credit file, rather than substantially contemporaneously with when a change to the credit file occurs, does not permit the user to take early action for a variety of reasons such as correcting a credit report, or preventing identity theft.

Since the amended element is neither disclosed or suggested by the cited art, the Assignee submits that the cited art does not describe, teach or suggest the invention of independent Claim 22.

Moreover, dependent Claims 23-24 are ultimately dependent from amended independent Claim 22, for which arguments of patentability have already been advanced above. Therefore, if the underlying independent claim is determined to be patentable, then the corresponding dependent claims should also be patentable over the cited art.

IV. THE REJECTION OF CLAIMS 26-34 (OFFICE ACTION, ¶ 12)

The Office Action rejected Claims 26-34 under 35 U.S.C. § 103(a) as unpatentable over Privista’s Warning System; CreditCheck Monitoring Service, December 11, 2000 (hereinafter “Credit Check”); and in view of U.S. Patent Application Publication No. US 2002/0133462 A1 to Shetyn (hereinafter “Shetyn”). Office Action, pp. 11-12, ¶ 12. Independent claim 26 has been amended. Amended claim 26 includes the element, “selecting a method of notification, wherein the method of notification comprises communication substantially contemporaneous with when a change to at least one credit-related data element is detected.” (Underlining supplied). This amendment is supported by the Applicants’ Specification. For example, a “user may also select frequency of

communication. He can choose to be notified as soon as a change occurs in his credit file or be notified periodically. He may choose even to be notified when he is ready to receive any communication, i.e., the service provider will notify him when he makes an inquiry.”

See ¶ 165, lines 7-12 (underlining supplied). Notification of a user substantially contemporaneously with when a change occurs in the user’s credit file permits the user to take early action for a variety of reasons such as correcting a credit report, or preventing identity theft. See ¶¶ 15-16.

Neither Privista’s Warning System, Credit Check, or Shetyn explicitly disclose or suggest the element “selecting a method of notification, wherein the method of notification comprises communication substantially contemporaneous with when a change to at least one credit-related data element is detected.” (underlining supplied). Shetyn relates to notifying a user when an unregistered or inactive credit card is used by an unauthorized user. See ¶¶ 14-15. Shetyn does not relate to notifying a user regarding changes to a credit file.

Further, Credit Check relates to monthly monitoring alerts to inform a user about changes to a credit file, and Privista’s Warning System relates to a “weekly early alert and monitoring service” for changes to a credit file. Monitoring and alerting a user on a monthly or weekly basis to changes in his/her credit file, rather than substantially contemporaneous with when a change to the credit file occurs, does not permit the user to take early action for a variety of reasons such as correcting a credit report, or preventing identity theft.

Since the amended element is neither disclosed or suggested by the cited art, the Assignee submits that the cited art does not describe, teach or suggest the invention of independent Claim 26.

Moreover, dependent Claims 27-34 are ultimately dependent from amended independent Claim 26, for which arguments of patentability have already been advanced above. Therefore, if the underlying independent claim is determined to be patentable, then the corresponding dependent claims should also be patentable over the cited art.

V. THE REJECTION OF CLAIMS 2, 9, 15, AND 16 (OFFICE ACTION, ¶ 6)

Dependent Claims 2, 9, 15, and 16 are ultimately dependent from at least one of the amended independent Claims 1, 5, and 12, for which arguments of patentability have already been advanced above. Therefore, if the underlying independent claim is determined to be patentable, then the corresponding dependent claims should also be patentable over the cited art.

VI. THE REJECTION OF CLAIMS 7 AND 13 (OFFICE ACTION, ¶ 8)

Dependent Claims 7 and 13 are ultimately dependent from at least one of the amended independent Claims 5 and 12, for which arguments of patentability have already been advanced above. Therefore, if the underlying independent claim is determined to be patentable, then the corresponding dependent claims should also be patentable over the cited art.

VII. THE REJECTION OF CLAIM 8 (OFFICE ACTION, ¶ 9)

Dependent Claim 8 is ultimately dependent from amended independent Claim 5, for which arguments of patentability have already been advanced above. Therefore, if the underlying independent claim is determined to be patentable, then the corresponding dependent claim should also be patentable over the cited art.

VIII. THE REJECTION OF CLAIM 17 (OFFICE ACTION, ¶ 10)

Dependent Claim 17 is ultimately dependent from amended independent Claim 12, for which arguments of patentability have already been advanced above. Therefore, if the underlying independent claim is determined to be patentable, then the corresponding dependent claim should also be patentable over the cited art.

IX. THE REJECTION OF CLAIM 21 (OFFICE ACTION, ¶ 11)

Dependent Claim 21 is ultimately dependent from amended independent Claim 19, for which arguments of patentability have already been advanced above. Therefore, if the underlying independent claim is determined to be patentable, then the corresponding dependent claim should also be patentable over the cited art.

X. THE REJECTION OF CLAIM 25 (OFFICE ACTION, ¶ 14)

Dependent Claim 25 is ultimately dependent from amended independent Claim 22, for which arguments of patentability have already been advanced above. Therefore, if the underlying independent claim is determined to be patentable, then the corresponding dependent claim should also be patentable over the cited art.

XI. NEWLY ADDED DEPENDENT CLAIMS 35-39

Dependent claims 35-39 have been added to clarify the Applicants' claimed invention. In particular, dependent claim 35 has been added to clarify that the Applicants' claimed invention includes the element, "wherein the communication module is capable of receiving an instruction from the user to place a warning on an element in the credit

reporting database.” Dependent claim 35 is ultimately dependent from claim 1. Newly added dependent claims 36-39 have similar elements to claim 35. Each of these new dependent claims correspond with independent claims 5, 12, 19, and 22, respectively. All of these amendments are fully supported by the Applicants’ specification (see ¶ 153), and are made to clarify the Applicants’ invention.

XII. NEWLY ADDED DEPENDENT CLAIM 40

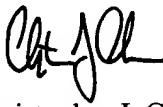
Dependent claim 40 has also been added to clarify the Applicants’ claimed invention. In particular, dependent claim 40 has been added to clarify that the Applicants’ claimed invention includes the element, “wherein the subscription price depends on a frequency of the selected notification.” Dependent claim 40 is ultimately dependent from claim 26. This amendment is fully supported by the Applicants’ specification (see ¶ 154), and is made to clarify the Applicants’ invention.



CONCLUSION

Claims 1-40 are pending in the application. Independent Claims 1, 5, 12, 19, 22, and 26 have been amended, and dependent Claims 35-40 have been added. Claims 1-40 are now in condition for allowance. The Examiner is invited and encouraged to contact the undersigned attorney of record at (404) 815-6048 if such contact will facilitate a Notice of Allowance for Claims 1-40. If any additional fees are due, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 11-0855.

Respectfully submitted,


Christopher J. Chan
Reg. No. 44,070
Attorney for Assignee

RECEIVED

MAR 08 2004

Technology Center 2100

DATE: 27 February 2004

KILPATRICK STOCKTON LLP
Suite 2800
1100 Peachtree Street, N.E.
Atlanta, Georgia 30309-4530
Main: (404) 815-6500
Fax: (404) 815-6555
Attorney Docket No.: E1001/251209